

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT**  
**Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500**

**MOTION INFORMATION STATEMENT**

**Docket Number(s):** 15-1672

**Caption [use short title]** \_\_\_\_\_

**Motion for:** Leave to Appear Pro Hac Vice

United States, et. al.,  
 Plaintiffs-Appellees,  
 v.  
 American Express Co., et al.,  
 Defendants-Appellants.

Set forth below precise, complete statement of relief sought:

The undersigned moves for leave to appear pro  
hac vice as counsel for Amici Curiae  
Merchants [see attached list]

**MOVING PARTY:**

☐ Plaintiff

☐ Defendant

☐ Appellant/Petitioner

☐ Appellee/Respondent

**OPPOSING PARTY:** \_\_\_\_\_

**MOVING ATTORNEY:** Paul E. Slater

**OPPOSING ATTORNEY:** \_\_\_\_\_

[name of attorney, with firm, address, phone number and e-mail]

Sperling & Slater, P.C.

312-641-3200

55 West Monroe Street, Suite 3200

pes@sperling-law.com

Chicago, IL 60603

**Court-Judge/Agency appealed from:** Hon. Nicholas G. Garaufis, U.S. District Court for the Eastern District of New York

**Please check appropriate boxes:**

Has movant notified opposing counsel (required by Local Rule 27.1):



Yes



No

(explain): \_\_\_\_\_

Opposing counsel's position on motion:



Unopposed



Opposed



Don't Know

Does opposing counsel intend to file a response:



Yes



No

☒ Don't Know

**FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND  
 INJUNCTIONS PENDING APPEAL:**

Has request for relief been made below?



Has this relief been previously sought in this Court?

Requested return date and explanation of emergency: \_\_\_\_\_

Is oral argument on motion requested?



Yes



No

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?



Yes



No

If yes, enter date: \_\_\_\_\_

**Signature of Moving Attorney:**

/s/ Paul E. Slater

**Date:** June 2, 2015

Service by: ☐ CM/ECF



Other [Attach proof of service]

**Exhibit A**

**Amici Curiae Merchants**

Ahold U.S.A., Inc.  
Albertsons LLC  
BI-LO LLC  
CVS Caremark Corp.  
The Great Atlantic and Pacific Tea Company, Inc.  
H.E. Butt Grocery Co.  
Hy-Vee, Inc.  
The Kroger Co.  
Meijer, Inc.  
Publix Super Markets, Inc.  
Raley's Inc.  
Rite Aid Corporation  
Safeway Inc.  
Supervalu, Inc.  
Walgreen Co.

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

UNITED STATES, et al.,	)	
	)	
Plaintiffs-Appellees,	)	
	)	
v.	)	No. 15-1672
	)	
AMERICAN EXPRESS CO., et al.,	)	
	)	
Defendants-Appellants.	)	

**MOTION FOR LEAVE TO APPEAR *PRO HAC VICE***

Paul E. Slater hereby respectfully moves for leave to appear *pro hac vice* as counsel for the *Amici Curiae* Merchants (listed on the attached Exhibit A).

Undersigned counsel represents numerous major grocery and pharmacy chains and other merchants and is seeking leave to appear *pro hac vice* in this matter for the purpose of filing, on behalf of these merchants and with leave of this Court, an *amicus* opposition to Appellant American Express' emergency motion to stay a District Court permanent injunction pending appeal, and subsequently an *amicus* brief regarding the merits of the emergency motion. By order of this Court, any opposition to the emergency motion to stay is due by June 5, 2015.

I certify that I was originally admitted to the practice of law in the State of Illinois in 1970, and am admitted to appear before, and am a member in good standing of, the bars of the United States District Courts for the Northern District of Illinois and the Western District of Michigan. I am also admitted to practice

before the following courts: the United States Courts of Appeals for the Sixth, Seventh, Eleventh, and Federal Circuits, and the United States Supreme Court.

June 2, 2015

Respectfully submitted,

/s/ Paul E. Slater

Paul E. Slater

Sperling & Slater, P.C.

55 West Monroe Street, Suite 3200

Chicago, IL 60603

(312) 641-3200

[pes@sperling-law.com](mailto:pes@sperling-law.com)

Attorney for *Amici Curiae* Merchants

**Exhibit A**

**Amici Curiae Merchants**

Ahold U.S.A., Inc.

Albertsons LLC

BI-LO LLC

CVS Caremark Corp.

The Great Atlantic and Pacific Tea Company, Inc.

H.E. Butt Grocery Co.

Hy-Vee, Inc.

The Kroger Co.

Meijer, Inc.

Publix Super Markets, Inc.

Raley's Inc.

Rite Aid Corporation

Safeway Inc.

Supervalu, Inc.

Walgreen Co.

## UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

CAPTION:

United States, et al. v.American Express Co., et al.

## CERTIFICATE OF SERVICE

Docket Number: 15-1672

I, Paul E. Slater, hereby certify under penalty of perjury that on  
 (name)  
June 2, 2015, I served a copy of Motion for Leave to Appear Pro Hac Vice  
 (date)

(list all documents)

by (select all applicable)\*

- ☒ United States Mail  
☐ Federal Express  
☐ Overnight Mail  
☐ Facsimile  
☒ E-mail  
☐ Hand delivery

on the following parties (complete all information and add additional pages as necessary):

<u>Evan R. Chesler</u>	<u>825 Eighth Ave.</u>	<u>New York</u>	<u>NY</u>	<u>10019</u>
Name	Address	City	State	Zip Code
<u>Nickolai G. Levin</u>	<u>950 Pennsylvania Ave. NW</u>	<u>Washington</u>	<u>DC</u>	<u>20530</u>
Name	Address	City	State	Zip Code
<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
Name	Address	City	State	Zip Code
<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
Name	Address	City	State	Zip Code

June 2, 2015

Today's Date

/s/ Paul E. Slater

Signature

\*If different methods of service have been used on different parties, please indicate on a separate page, the type of service used for each respective party.

Certificate of Service Form